



Federal Communications Commission
Washington, D.C. 20554

DA 07-1094

March 8, 2007

Mr. David M. Drucker
Manager, ATCONTACT Communications, LLC
2539 N. Highway 67
Sedalia, CO 80135

Re: ATCONTACT Communications, LLC
File No. SAT-MOD-20061115-00139
(Call Sign S2682)

Dear Mr. Drucker:

This letter refers to the above-referenced application filed by ATCONTACT Communications, LLC (ATCONTACT). ATCONTACT seeks to modify its license by modifying the assigned location of one of the geostationary fixed-satellite service (GSO FSS) satellites in its licensed system from 34° W.L. to 77° W.L.¹ As set forth below, we dismiss the application as incomplete without prejudice to refiling.

Section 25.112(a)(2) of the Commission's rules states that an application that does not substantially comply with the Commission's rules will be returned to the applicant as unacceptable for filing unless the application is accompanied by a waiver request with reasons supporting the waiver.² Section 25.210(c) requires all fixed-satellite service space stations to have a minimum capability to change transponder saturation flux densities by ground command in 4 dB steps over a range of 12 dB.³ ATCONTACT's application failed to include the required information on gain step capabilities for its space station. Moreover, ATCONTACT did not request a waiver of this rule. Accordingly, ATCONTACT's application to modify the assigned orbital location of its GSO satellite to 77° W.L., File No. SAT-MOD-20061115-00139, is dismissed without prejudice to refiling.⁴

Further, although not grounds for dismissal, we note that ATCONTACT may wish to address several additional issues if it chooses to refile. ATCONTACT's application included a showing pursuant to section 25.114(d)(14)(iii) of the rules concerning its assessment of whether there are any known satellites at, or reasonably expected to be located at, the requested orbital location.⁵ ATCONTACT's application states that "[c]urrently there are no other operational satellites at 77° W. L."⁶ It is our

¹ ATCONTACT was authorized to operate a satellite system consisting of three NGSO and four GSO satellites to provide fixed-satellite service in the Ka-band. contactMEO Communications, LLC, *Order and Authorization*, 21 FCC Rcd 4035 (Int'l Bur. 2006).

² 47 C.F.R. § 25.112(a)(2).

³ 47 C.F.R. § 25.210(c).

⁴ Applications returned to applicants for additional information will not require an additional fee when resubmitted, if the resubmitted application is identical to the returned application except for the missing information. *See* 47 C.F.R. § 1.1109.

⁵ 47 C.F.R. § 25.114(d)(14)(iii). *See also*, International Bureau Satellite Division Information, Disclosure of Orbital Debris Mitigation Plans, Including Amendment of Pending Applications, *Public Notice*, 20 FCC Rcd 16278 (Sat. Div., Int'l Bur. 2005).

⁶ ATCONTACT Communications, LLC, File No. SAT-MOD 20061115-00139, Technical Appendix, at 26.

understanding, however, that the EchoStar-4 satellite is operating at the 77° W.L. orbital location.⁷ Consequently, ATCONTACT should provide, in any refiled application, any additional analysis or information that may be relevant if our understanding is correct, and an explanation of the method used to make the assessment provided for by the Commission's rules.⁸

In addition, ATCONTACT states that it could accommodate co-location at the 77° W.L. orbital location by "flying at non-zero inclination and eccentricity ... assuming the other satellite is kept to a tight zero-degree box."⁹ To expedite processing of any refiled application, ATCONTACT should include additional information as to the specific technical parameters intended by the term "tight zero degree box," and an assessment of whether the assumption represents a realistic assumption for space station operations.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss ATCONTACT's application without prejudice to refiling.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

⁷ See EchoStar Satellite LLC, *Order and Authorization*, 21 FCC Rcd 4077 (Sat. Div., Int'l Bur. 2006).

⁸ We remind ATCONTACT of its obligation to ensure and maintain the accuracy and completeness of all materials and information provided to the Commission. 47 C.F.R. §§ 1.17 and 1.65.

⁹ ATCONTACT Communications, LLC, File No. SAT-MOD 20061115-00139, Technical Appendix, at 26.